



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,393	06/23/2000	JASON F. MCCULLOUGH	062891.0347	1091
7590	10/05/2004		EXAMINER	
BARTON E SHOWALTER BAKER BOTTS LLP 2001 ROSS AVENUE DALLAS, TX 75201-2980				AHN, SAM K
		ART UNIT	PAPER NUMBER	2637

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/603,393	MCCULLOUGH ET AL.	
	Examiner	Art Unit	
	Sam K. Ahn	2637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on amendment, received on 06/23/04.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5,7-11,13-19,21--27 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1,3,5,7-9 and 34 is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) 2,4,10,11,13-19,21-27,29-33 and 35-37 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Objections

1. Claims 2,4,10-11,13-19,21-27,29-33 and 35-37 are objected to because of the following informalities:

In claim 2, line 1, delete "the line" and insert "the xDSL link".

In claim 4, line 14, delete "the low frequency bins, wherein the low frequency bins" and insert "the plurality of low frequency bins, wherein the plurality of low frequency bins".

In claim 10, line 7, delete "for xDSL communications" and insert "for the xDSL link".

In claim 13, line 7, delete "for xDSL communications" and insert "for the xDSL link".

In claim 14, line 7, delete "for xDSL communications" and insert "for the xDSL link".

In claim 15, line 7, delete "for xDSL communications" and insert "for the xDSL link".

In claim 16, line 7, delete "for xDSL communications" and insert "for the xDSL link".

In claim 18, line 1, delete "Software" and insert "A software".

In claim 21, line 1, delete "Software" and insert "A software".

In claim 21, line 7, delete "for xDSL communications" and insert "for the xDSL link".

In claim 22, line 7, delete "for xDSL communications" and insert "for the xDSL link".

In claim 22, line 11, delete "rate given" and insert "rate of".

In claim 23, line 7, delete "for xDSL communications" and insert "for the xDSL link".

In claim 24, line 7, delete "for xDSL communications" and insert "for the xDSL link".

In claim 26, line 7, delete "for xDSL communications" and insert "for the xDSL link".

In claim 29, line 3, delete "the xDSL" and insert "a xDSL".

In claim 29, line 7, delete "for xDSL communications" and insert "for the xDSL link".

In claim 30, line 3, delete "the xDSL" and insert "a xDSL".

In claim 30, line 7, delete "for xDSL communications" and insert "for the xDSL link".

In claim 30, line 11, delete "rate given" and insert "rate of".

In claim 31, line 3, delete "the xDSL" and insert "a xDSL".

In claim 31, line 7, delete "for xDSL communications" and insert "for the xDSL link".

In claim 32, line 3, delete "the xDSL" and insert "a xDSL".

In claim 32, line 7, delete "for xDSL communications" and insert "for the xDSL link".

In claim 32, line 10, delete "adjusting analog" and insert "adjusting the analog".

Claims 11,17,19,25,27,33 and 35-37 directly or indirectly depend on claim 10,18 or

26. Appropriate correction is required.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cooper et al. teach a modem wherein the modem adjusts power to correspond with the change of bandwidth.

3. This application is in condition for allowance except for the following formal matters:

Claim objections.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Art Unit: 2637

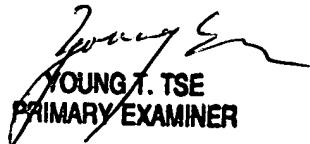
A shortened statutory period for reply to this action is set to expire **TWO** **MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Ahn whose telephone number is (571) 272-3044. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sam K. Ahn
10/1/04



YOUNG T. TSE
PRIMARY EXAMINER